## REMARKS

This is intended as a full and complete response to the Office Action dated March 10, 2006, having a shortened statutory period for response set to expire on June 12, 2006. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-25 are pending in the application. Claims 1-25 remain pending following entry of this response. Claims 1 and 5 have been amended. Applicant submits that the amendments.

### Claim Objections

Claim 1 has been objected to by the Examiner. Applicants have amended claim 1 to address the concern raised by the Examiner. Accordingly, Applicants respectfully request that the objection be withdrawn.

### Claim Rejections - 35 U.S.C. § 102

Claims 1-12 and 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,805,932 (*Kawashima* et al).

Applicant respectfully traverses this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

In this case, *Kawashima* does not disclose "each and every element as set forth in the claim." For example, *Kawashima* does not disclose a compression engine that

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PAGE 7/11 * RCVD AT 6/9/2006 5:52:52 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/41 * DNIS:2738300 * CSID:7136234846 * DURATION (mm-ss):03-26

changes the block size data in response to the achieved compression ratio falling below the predetermined threshold level.

*Kawashima* teaches a system for transmitting either compressed data or pre-compressed (uncompressed) data (*Kawashima*, Title). In *Kawashima* compressed data is transmitted if the ratio of compressed data to pre-compressed data is equal to or greater than a present ratio and the difference between compressed data and pre-compressed data exceeds a preset level. (*Kawashima*, Abstract). Nowhere in *Kawashima* is changing a block size in response to a compression ratio disclosed. Thus, *Kawashima* does not teach changing a block size, rather *Kawashima* simply makes a decision to send compressed data if certain conditions are met.

Therefore, claim 1 and its dependents are believed to be allowable, and allowance of the claims is respectfully requested.

## Claim Rejections - 35 U.S.C. § 103

Claims 11, 13, 16-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,805,932 (*Kawashima* et al) in view of US 2002/0083238 (*Naka* et al).

Applicant respectfully traverses this rejection.

The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. *See* MPEP § 2142. To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See* MPEP § 2143. The present rejection fails to establish at least the first and third criteria.

With respect to the first criteria, there is no suggestion or motivation to combine the references of *Kawashima* and *Naka*.

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*Kawashima* teaches a system for transmitting either compressed data or pre-compressed (uncompressed) data (*Kawashima*, Title). In *Kawashima* compressed data is transmitted if the ratio of compressed data to pre-compressed data is equal to or greater than a present ratio and the difference between compressed data and pre-compressed data exceeds a preset level. (*Kawashima*, Abstract). Furthermore, in *Kawashima* the compression type must be a "loss-less" compression type. (*Kawashima*, Column: 1, Lines: 9-10).

*Naka* teaches a method for storing compressed data in a storage medium. (*Naka*, Abstract). The apparatus in *Naka* determines an amount of space available on the destination medium, based on the amount of space available on the storage medium determines a bit rate at which to compress a file such that the file will fit on the storage medium. Id. The apparatus then compresses the file at the determined bit rate and stores it on the storage medium. Id. By changing the bit rate the quality of the file is deteriorated. (*Naka*, Paragraph 15, Lines: 2-4).

A compression methodology which produces a file which is deteriorated after compression is a "lossy" compression type (i.e., data is lost during the compression). Therefore, *Naka* uses "lossy" compression to achieve the desired result. In contrast *Kawashima* uses a "loss-less" compression type. (*Kawashima*, Column: 1, Lines: 9-10). If the apparatus in *Naka* were to use a "loss-less" compression type as required by *Kawashima*, *Naka* would not be able to vary the bit rate at which a file is to be compressed. Thus, the proposed combination of *Kawashima* with *Naka* would render *Naka* unsatisfactory for its intended purpose. Therefore, there is no motivation to combine the references.

With respect to the third criteria, the references fail to teach or suggest all of the limitations of claims 9, 17 and 21. Specifically, the references fail to teach the claim limitation of changing block size data accessed by a compression engine. The Examiner argues that changing block size data accessed by a compression engine is disclosed in Figure 11 of *Naka*, and in paragraphs 62 and 45 of *Naka*. However, Figure

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11 is simply an illustration of "data storing states in a storage medium" which does not teach changing block size data accessed by a compression engine. (*Naka*, Paragraph 30). Furthermore, paragraph 45 makes no mention of block size data or a changing operation, rather it simply discusses a determination step and an operation ending step. (*Naka*, Paragraph 45).

Paragraph 62 does not disclose changing block size data accessed by a compression engine either. Paragraph 62 discusses a DSP which "sets...a new bit rate so that target data is compressed and stored in the available space of a storage medium." The bit rate discussed in paragraph 62 of *Naka* is one measure of compression of an audio file. (*Naka*, Paragraph 12). More specifically, a bit rate is the number of bits of data which represent one second of an audio file. (http://en.wikipedia.org/wiki/Mp3). Paragraph 15 of *Naka* gives an example of bit rate as 128 k/bps. (*Naka*, Paragraph 15). Thus, paragraph 62 of Naka discusses setting a bit rate, not changing a block size.

One example of block size data is located in paragraph 34 of the pending application. Paragraph 34 gives examples of block sizes as "256, 512, 1024, 2048, and 4096 bytes." (Luick, Paragraph 34). Therefore, block sizes data measured in bytes is not the same as a bit rate measured in k/bps. Thus, *Naka* does not disclose changing block size data accessed by a compression engine, rather *Naka* teaches setting a bit rate at which compression of a file (audio file) will occur.

Therefore, claims 9, 17 and 21 and their dependents are believed to be allowable, and allowance of the claims is respectfully requested.

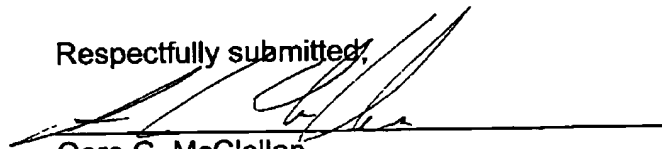461370_1.DOC

## Conclusion

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicant's disclosure than the primary references cited in the office action. Therefore, Applicant believes that a detailed discussion of the secondary references is not necessary for a full and complete response to this office action.

Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully requests that the claims be allowed.

Respectfully submitted,

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